

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition to
Revoke Against:**

Pamela Devon Thiene, M.D.

Case No. 800-2017-039030

**Physician's and Surgeon's
Certificate No. G 68347**

Respondent

DECISION

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on January 30, 2018

IT IS SO ORDERED January 23, 2018

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 VLADIMIR SHALKEVICH
Deputy Attorney General
4 State Bar No. 173955
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 269-6538
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke
Probation Against:

12 PAMELA DEVON THIENE, M.D.

13 4151 Foothill Road
14 Santa Barbara, California 93101

15 Physician's and Surgeon's Certificate G 68347,
16 Respondent.

Case No. 800-2017-039030

OAH No. 2017120576

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Vladimir
24 Shalkevich, Deputy Attorney General.

25 2. Pamela Devon Thiene, M.D. (Respondent) is represented in this proceeding by
26 attorney Cheryl Konell Ruggiero, of 700 S. Flower Street, Suite 2050, Los Angeles, California
27 90017.

28 //

3. On April 9, 1990, the Board issued Physician's and Surgeon's Certificate No. G 68347 to Pamela Devon Thiene, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 800-2017-039030 and will expire on March 31, 2018, unless renewed.

JURISDICTION

4. A Petition to Revoke Probation in Case No. 800-2017-039030 was filed before the Board, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on or about December 12, 2017. Respondent timely filed her Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 800-2017-039030 is attached as Exhibit A and is incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Petition to Revoke Probation No. 800-2017-039030. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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9. For the purpose of resolving the Petition to Revoke Probation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Petition to Revoke Probation and that those charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.

CONTINGENCY

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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1 ORDER

2 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. G 68347,
3 issued to Respondent Pamela Devon Thiene, M.D., is surrendered and accepted by the Medical
4 Board of California.

5 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
6 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
7 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
8 of Respondent's license history with the Medical Board of California.

9 2. Respondent shall lose all rights and privileges as a physician and surgeon in
10 California as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
12 issued, her wall certificate on or before the effective date of the Decision and Order.

13 4. If Respondent ever files an application for licensure or a petition for reinstatement in
14 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
15 comply with all the laws, regulations and procedures for reinstatement of a revoked or
16 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
17 contained in Petition to Revoke Probation No. 800-2017-039030 shall be deemed to be true,
18 correct and admitted by Respondent when the Board determines whether to grant or deny the
19 petition.

20 5. If Respondent should ever apply or reapply for a new license or certification, or
21 petition for reinstatement of a license, by any other health care licensing agency in the State of
22 California, all of the charges and allegations contained in Petition to Revoke Probation, No. 800-
23 2017-039030 shall be deemed to be true, correct, and admitted by Respondent for the purpose of
24 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

25 ACCEPTANCE

26 I have carefully read the above Stipulated Surrender of License and Order and have fully
27 discussed it with my attorney, Cheryl Konell Ruggiero. I understand the stipulation and the effect
28 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of

1 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
2 Decision and Order of the Medical Board of California.

3
4 DATED: 1/12/18

Pamela Devon Thiene M.D.
PAMELA DEVON THIENE, M.D.
Respondent

6 I have read and fully discussed with Respondent Pamela Devon Thiene, M.D. the terms and
7 conditions and other matters contained in this Stipulated Surrender of License and Order. I
8 approve its form and content.

9 DATED: 1/12/18

Cheryl Konell Ruggiero
CHERYL KONELL RUGGIERO
Attorney for Respondent

11
12 ENDORSEMENT

13 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
14 for consideration by the Medical Board of California of the Department of Consumer Affairs.

15 Dated: 1/12/18

Respectfully submitted,

16 XAVIER BECERRA
Attorney General of California
17 ROBERT MCKIM BELI
Supervising Deputy Attorney General

18 Vladimir Shalkevich
19 VLADIMIR SHALKEVICH
20 Deputy Attorney General
21 Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 800-2017-039030

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 VLADIMIR SHALKEVICH
Deputy Attorney General
4 State Bar No. 173955
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6538
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 12, 2017
BY: Sody Wright ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke Probation
Against:

Case No. 800-2017-039030

13 **Pamela Devon Thiene, M.D.**
14 4151 Foothill Road
Santa Barbara, CA 93110 - 1110

**PETITION TO REVOKE
PROBATION**

15 Physician's and Surgeon's Certificate No. G 68347,
16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely
21 in her official capacity as the Executive Director of the Medical Board of California, Department
22 of Consumer Affairs.

23 2. On or about April 9, 1990, the Medical Board of California issued Physician's and
24 Surgeon's Certificate No. G 68347 to Pamela Devon Thiene, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate No. G 68347 is current and set to expire on March 31,
26 2018, however, the certificate is suspended based on the Cease Practice Order which was issued
27 by the board on November 30, 2017.

28 ///

3. In a disciplinary action entitled "In the Matter of the Accusation against Pamela Devon Thiene, M.D.," Case No. 800-2013-001938, the Medical Board of California, issued a decision, effective September 2, 2015, in which Respondent's Physician's and Surgeon's Certificate No. G 68347 was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate No. G 68347 was placed on probation for a period of four (4) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

FIRST CAUSE TO REVOKE PROBATION
(Failure to Cooperate with Biological Fluid Testing Condition of Probation)

7. At all times after the effective date of Respondent's probation, Condition 1 stated, in pertinent part:

“ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol:..”

8. At all times after the effective date of respondent's probation, condition 2 stated:

"BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to

1 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
2 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
3 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
4 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
5 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
6 testing. The contract shall require results of the tests to be transmitted by the laboratory or
7 service directly to the Board or its designee within four hours of the results becoming available.
8 Respondent shall maintain this laboratory or service contract during the period of probation.

9 "A certified copy of any laboratory test result may be received in evidence in any
10 proceedings between the Board and Respondent.

11 "If Respondent fails to cooperate in a random biological fluid testing program within the
12 specified time frame, Respondent shall receive a notification from the Board or its designee to
13 immediately cease the practice of medicine. The Respondent shall not resume the practice of
14 medicine until the final decision on an accusation and/or a petition to revoke probation. An
15 accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the
16 notification to cease practice. If the Respondent requests a hearing on the accusation and/or
17 petition to revoke probation, the Board shall provide the Respondent with a hearing within 30
18 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be
19 received from the Administrative Law Judge or the Board within 15 days unless good cause can
20 be shown for the delay. The cessation of practice shall not apply to the reduction of the
21 probationary time period.

22 "If the Board does not file an accusation or petition to revoke probation within 15 days of
23 the issuance of the notification to cease practice or does not provide Respondent with a hearing
24 within 30 days of a such a request, the notification of cease practice shall be dissolved."

25 9. Respondent has failed to obey probationary condition number two, Biological
26 Fluid Testing, as ordered by the Board, by failing to provide a biological fluid sample for testing
27 on or about November 13, 2017, when selected to do so.

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1 2. Revoking or suspending Physician's and Surgeon's Certificate No. G 68347, issued
2 to Respondent Pamela Devon Thiene, M.D.;

3 3. Revoking, suspending or denying approval of Respondent Pamela Devon Thiene,
4 M.D.'s authority to supervise physician assistants, and advanced nurse practitioners;

5 4. Ordering Respondent Pamela Devon Thiene, M.D. to pay the Medical Board of
6 California the costs of probation monitoring, if placed on probation; and

7 5. Taking such other and further action as deemed necessary and proper.

8 DATED: December 12, 2017

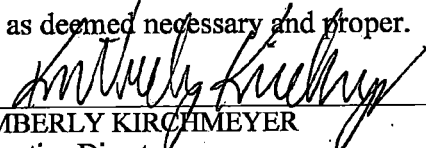

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Medical Board of California Case No. 800 – 2013 – 001938

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

PAMELA DEVON THIENE, M.D.)

Case No. 8002013001938

**Physician's and Surgeon's)
Certificate No. G 68347)**

Respondent)

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 2, 2015.

IT IS SO ORDERED: August 3, 2015.

MEDICAL BOARD OF CALIFORNIA

By:



**Dev Gnanadev, M.D., Chair
Panel B**

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 VLADIMIR SHALKEVICH
Deputy Attorney General
4 State Bar No. 173955
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2148
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2013-001938

12 **PAMELA THIENE, M.D.**
4151 Foothill Road
13 Santa Barbara, CA 93101
Physician's and Surgeon's Certificate No.
14 G68347

OAH No. 2015041098

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
21 Board of California. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Vladimir
23 Shalkevich, Deputy Attorney General.

24 2. Respondent PAMELA THIENE, M.D. ("Respondent") is represented in this
25 proceeding by attorney Megan Leisz, whose address is: Law Office of William L. Duval, Jr.,
26 1114 State Street, Suite 240, Santa Barbara, CA 93101
27
28

3. On or about April 9, 1990, the Medical Board of California issued Physician's and Surgeon's Certificate No. G68347 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2013-001938 and will expire on March 31, 2016, unless renewed.

JURISDICTION

4. Accusation No. 800-2013-001938 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 25, 2015. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2013-001938 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2013-001938. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of the charges and allegations of the Second Cause for Discipline in Accusation No. 800-2013-001938.

10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G68347 issued to PAMELA THIENE, M.D. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of

1 medicine. The Respondent shall not resume the practice of medicine until final decision on an
2 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
3 probation shall be filed by the Board within 15 days of the notification to cease practice. If the
4 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
5 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent
6 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
7 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
8 shall not apply to the reduction of the probationary time period.

9 If the Board does not file an accusation or petition to revoke probation within 15 days of the
10 issuance of the notification to cease practice or does not provide Respondent with a hearing
11 within 30 days of a such a request, the notification of cease practice shall be dissolved.

12 2. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
13 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
14 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
15 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
16 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
17 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
18 testing. The contract shall require results of the tests to be transmitted by the laboratory or
19 service directly to the Board or its designee within four hours of the results becoming available.
20 Respondent shall maintain this laboratory or service contract during the period of probation.

21 A certified copy of any laboratory test result may be received in evidence in any
22 proceedings between the Board and Respondent.

23 If Respondent fails to cooperate in a random biological fluid testing program within the
24 specified time frame, Respondent shall receive a notification from the Board or its designee to
25 immediately cease the practice of medicine. The Respondent shall not resume the practice of
26 medicine until the final decision on an accusation and/or a petition to revoke probation. An
27 accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the
28 notification to cease practice. If the Respondent requests a hearing on the accusation and/or

1 petition to revoke probation, the Board shall provide the Respondent with a hearing within 30
2 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be
3 received from the Administrative Law Judge or the Board within 15 days unless good cause can
4 be shown for the delay. The cessation of practice shall not apply to the reduction of the
5 probationary time period.

6 If the Board does not file an accusation or petition to revoke probation within 15 days of the
7 issuance of the notification to cease practice or does not provide Respondent with a hearing
8 within 30 days of a such a request, the notification of cease practice shall be dissolved.

9 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
10 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
11 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
12 Respondent shall participate in and successfully complete that program. Respondent shall
13 provide any information and documents that the program may deem pertinent. Respondent shall
14 successfully complete the classroom component of the program not later than six (6) months after
15 Respondent's initial enrollment, and the longitudinal component of the program not later than the
16 time specified by the program, but no later than one (1) year after attending the classroom
17 component. The professionalism program shall be at Respondent's expense and shall be in
18 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

19 A professionalism program taken after the acts that gave rise to the charges in the
20 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
21 or its designee, be accepted towards the fulfillment of this condition if the program would have
22 been approved by the Board or its designee had the program been taken after the effective date of
23 this Decision.

24 Respondent shall submit a certification of successful completion to the Board or its
25 designee not later than 15 calendar days after successfully completing the program or not later
26 than 15 calendar days after the effective date of the Decision, whichever is later.

27 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
28 this Decision, and on whatever periodic basis thereafter may be required by the Board or its

1 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
2 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
3 consider any information provided by the Board or designee and any other information the
4 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
5 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
6 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
7 psychiatric evaluations and psychological testing.

8 Respondent shall comply with all restrictions or conditions recommended by the evaluating
9 psychiatrist within 15 calendar days after being notified by the Board or its designee.

10 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
11 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
12 where: 1) Respondent merely shares office space with another physician but is not affiliated for
13 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
14 location.

15 If Respondent fails to establish a practice with another physician or secure employment in
16 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
17 Respondent shall receive a notification from the Board or its designee to cease the practice of
18 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
19 practice until an appropriate practice setting is established.

20 If, during the course of the probation, the Respondent's practice setting changes and the
21 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
22 shall notify the Board or its designee within 5 calendar days of the practice setting change. If
23 Respondent fails to establish a practice with another physician or secure employment in an
24 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
25 shall receive a notification from the Board or its designee to cease the practice of medicine within
26 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
27 appropriate practice setting is established.

28 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the

1 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
2 Chief Executive Officer at every hospital where privileges or membership are extended to
3 Respondent; at any other facility where Respondent engages in the practice of medicine,
4 including all physician and locum tenens registries or other similar agencies, and to the Chief
5 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
6 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
7 calendar days.

8 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

9 7. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
10 prohibited from supervising physician assistants.

11 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
12 governing the practice of medicine in California and remain in full compliance with any court
13 ordered criminal probation, payments, and other orders.

14 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
15 under penalty of perjury on forms provided by the Board, stating whether there has been
16 compliance with all the conditions of probation.

17 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
18 of the preceding quarter.

19 10. GENERAL PROBATION REQUIREMENTS.

20 Compliance with Probation Unit

21 Respondent shall comply with the Board's probation unit and all terms and conditions of
22 this Decision.

23 Address Changes

24 Respondent shall, at all times, keep the Board informed of Respondent's business and
25 residence addresses, email address (if available), and telephone number. Changes of such
26 addresses shall be immediately communicated in writing to the Board or its designee. Under no
27 circumstances shall a post office box serve as an address of record, except as allowed by Business
28 and Professions Code section 2021(b).

1 Place of Practice

2 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
3 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
4 facility.

5 License Renewal

6 Respondent shall maintain a current and renewed California physician's and surgeon's
7 license.

8 Travel or Residence Outside California

9 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
10 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
11 (30) calendar days.

12 In the event Respondent should leave the State of California to reside or to practice
13 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
14 departure and return.

15 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
16 available in person upon request for interviews either at Respondent's place of business or at the
17 probation unit office, with or without prior notice throughout the term of probation.

18 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
19 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
20 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
21 defined as any period of time Respondent is not practicing medicine in California as defined in
22 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
23 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
24 time spent in an intensive training program which has been approved by the Board or its designee
25 shall not be considered non-practice. Practicing medicine in another state of the United States or
26 Federal jurisdiction while on probation with the medical licensing authority of that state or
27 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
28 not be considered as a period of non-practice.

1 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
2 months, Respondent shall successfully complete a clinical training program that meets the criteria
3 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
4 Disciplinary Guidelines" prior to resuming the practice of medicine.

5 Respondent's period of non-practice while on probation shall not exceed two (2) years.

6 Periods of non-practice will not apply to the reduction of the probationary term.

7 Periods of non-practice will relieve Respondent of the responsibility to comply with the
8 probationary terms and conditions with the exception of this condition and the following terms
9 and conditions of probation: Obey All Laws; and General Probation Requirements.

10 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
11 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
12 completion of probation. Upon successful completion of probation, Respondent's certificate shall
13 be fully restored.

14 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
15 of probation is a violation of probation. If Respondent violates probation in any respect, the
16 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
17 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
18 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
19 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
20 the matter is final.

21 15. LICENSE SURRENDER. Following the effective date of this Decision, if
22 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
23 the terms and conditions of probation, Respondent may request to surrender his or her license.
24 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
25 determining whether or not to grant the request, or to take any other action deemed appropriate
26 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
27 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
28 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject

1 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
2 application shall be treated as a petition for reinstatement of a revoked certificate.

3 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
4 with probation monitoring each and every year of probation, as designated by the Board, which
5 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
6 California and delivered to the Board or its designee no later than January 31 of each calendar
7 year.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
10 discussed it with my attorney, Megan Leitz. I understand the stipulation and the effect it will
11 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
13 Decision and Order of the Medical Board of California.

14
15 DATED: 6/22/15 Pamela Thiene MD
16 PAMELA THIENE, M.D.
Respondent

17 I have read and fully discussed with Respondent PAMELA THIENE, M.D. the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20 DATED: 6/22/15 Megan Leitz
21 Megan Leitz
22 Attorney for Respondent

23 ENDORSEMENT

24 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
25 submitted for consideration by the Medical Board of California.

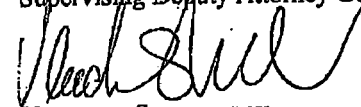
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Dated: 6/24/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



VLADIMIR SHALKEVICH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2013-001938

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 25, 2015
BY D. FIDDAUS ANALYST

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 VLADIMIR SHALKEVICH
Deputy Attorney General
4 State Bar No. 173955
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2148
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2013-001938

12 PAMELA THIENE, M.D.
4151 Foothill Road
13 Santa Barbara, CA 93110
Physician's and Surgeon's Certificate No.
14 G68347

ACCUSATION

15 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs.

22 2. On or about April 9, 1990, the Medical Board of California issued Physician's and
23 Surgeon's Certificate Number G68347 to PAMELA THIENE, M.D. (Respondent). The
24 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
25 charges brought herein and will expire on March 31, 2016, unless renewed.

26 ///

27 ///

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Division of Medical Quality of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

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1 speed. The CHP Officer attempted to stop Respondent by activating the red lights on his patrol
2 vehicle, but Respondent continued south on the 101 Freeway past the Fairview Avenue exit,
3 giving no indication of stopping. The officer activated his patrol vehicle's siren, and Respondent
4 eventually exited the freeway at Patterson Avenue. Respondent followed the CHP Officer's
5 directions to stop on the shoulder of Patterson Avenue.

6 9. When the Officer approached and spoke to Respondent who was sitting in her
7 vehicle, he detected a distinct odor of an alcoholic beverage emanating from within the vehicle.
8 In response to the Officer's inquiries, Respondent initially denied drinking alcohol, but later
9 stated that she last had an alcoholic beverage, a glass of wine, at 1:00 p.m. more than six hours
10 prior, and that she did not feel the effects of that drink. The Officer observed that Respondent's
11 eyes displayed a lack of smooth pursuit and were bloodshot and watery. Respondent's
12 performance on subsequent field sobriety tests demonstrated that she was impaired by alcohol,
13 and was unsafe to operate a motor vehicle.

14 10. Respondent was placed under arrest and advised of Implied Consent under Vehicle
15 Code section 23612. She chose to provide a breath test, which revealed that Respondent's blood
16 alcohol level at that time was .18%. Respondent was offered an opportunity to preserve a blood
17 sample, which would require that she be transported to a hospital for her blood to be drawn.
18 Respondent became upset and frantically stated that she could not go to the hospital. She stated
19 that if she went there, she would lose her job. Respondent declined to provide a blood sample.

20 SECOND CAUSE FOR DISCIPLINE

21 (Conviction of a Crime Substantially Related to Practice of Medicine)

22 11. Respondent is subject to disciplinary action under section 2236 in that Respondent
23 was convicted of a crime substantially related to the qualifications, functions and duties of a
24 licensed physician. The circumstances are as follows:

25 12. The allegations set forth in paragraphs 8 through 10 above are incorporated herein by
26 reference.

27 13. On or about February 18, 2014, in the Superior Court of Santa Barbara, case number
28 1442717, Respondent was convicted, pursuant to her plea of no contest, of a violation of Vehicle

1 Code section 23152, subdivision (a), driving a motor vehicle while under the influence of an
2 alcoholic beverage. Respondent was fined approximately \$2,000.00 and sentenced to a
3 suspended term of 60 days in the county jail, with actual confinement of four days, with credit for
4 two days served and two days of credit for good behavior. Respondent was also placed on three
5 years' probation on various terms and conditions, including attendance at a 90-day alcohol or drug
6 counseling program for first offenders.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Medical Board of California issue a decision:

- 10 1. Revoking or suspending Physician's and Surgeon's Certificate Number G68347,
11 issued to PAMELA THIENE, M.D.;
- 12 2. Revoking, suspending or denying approval of Pamela Thiene, M.D.'s authority to
13 supervise physician assistants, pursuant to section 3527 of the Code;
- 14 3. If placed on probation, ordering Pamela Thiene, M.D. to pay the Medical Board of
15 California the costs of probation monitoring; and
- 16 4. Taking such other and further action as deemed necessary and proper.

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18 DATED: March 25, 2015


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